

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ALEXANDRA PAQUIN

Plaintiff,

v.

WATERFORD HOTEL GROUP, LLC

Defendant.

CASE NO.

APRIL 22, 2022

NOTICE OF REMOVAL

Defendant, Waterford Hotel Group, LLC (“Defendant”), removes this action to this Court pursuant to 28 U.S.C. §§ 1331 and 1441 *et seq.*, and on the following grounds:

1. On March 25, 2022, Plaintiff Alexandra Paquin (“Plaintiff”) commenced this action by filing a complaint dated March 25, 2022 in the Superior Court of the State of Massachusetts, Hampshire County, entitled *Alexandra Paquin, on behalf of herself and all others similarly situated v. Waterford Hotel Group, LLC*, No. 2280-CV- 00041 (the “Superior Court Action”).

2. Attached hereto as **Exhibit A** are true and accurate copies of the summons and complaint, which constitute all process, pleadings and orders served on Defendant in the Superior Court Action.

3. Count One of the complaint is a claim against Defendant Waterford Hotel Group, LLC for failure to pay overtime pursuant to the Fair Labor Standards Act, 29 U.S.C. §207. (**See Exhibit A at p. 8, para 41**). As a result, the Superior Court Action is a civil action arising under the laws of the United States over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and removal is permitted pursuant to 28 U.S.C. § 1441(a).

4. The summons and complaint were served on Defendant Waterford Hotel Group, LLC on April 6, 2022. (See Return of Service attached hereto as **Exhibit B.**) Therefore, removal is timely pursuant to 28 U.S.C. § 1446(b)(1).

5. The Superior Court Action is not a non-removable action as described in 28 U.S.C. § 1445.

6. The Springfield Division is the proper location within the District of Massachusetts for this matter because the plaintiff resides in South Hadley, Massachusetts and the Defendant is not a resident of Massachusetts.¹ (**See Exhibit A at p. 1, para 1**).

7. Defendant has filed a copy of its Notice of Removal with the Superior Court and shall give written notice thereof to Plaintiff by electronic mail and via first class mail. (**See Exhibit C**).

8. By removing this action from Superior Court, Defendant Waterford Hotel Group, LLC, does not waive any defenses available to it.

9. By removing this action from Superior Court, Defendant Waterford Hotel Group, LLC does not admit any of the allegations in plaintiff's complaint.

WHEREFORE, Defendant Waterford Hotel Group, LLC removes the above-captioned action from the Superior Court of the State of Massachusetts, Hampshire County, to the United States District Court for the District of Massachusetts, Springfield Division.

¹ Defendant reserves the right to remove on the basis of diversity of citizenship pursuant to 28 U.S.C. §§ 1332 and 1441(a) in the event the pending federal claim is withdrawn or otherwise dismissed.

**DEFENDANT,
WATERFORD HOTEL GROUP, LLC**

Dated: this 22nd day of April, 2022

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CERTIFICATE OF SERVICE

This is to certify that on this 22nd day of April, 2022, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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/s/ Michael P. Lewis

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